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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-502*

11 **PHYLLIS ANN GREEN, A.K.A. PHYLLIS**  
12 **ANNE CAMERON AND PHYLLIS ANN**  
13 **BROWN**

**ACCUSATION**

14 **P.O. Box 1170**  
**Ojai, CA 93024**

15 **Registered Nurse License No. 411850**

16 **Public Health Nurse Certificate No. 47594**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about March 31, 1987, the Board of Registered Nursing issued Registered  
25 Nurse License Number 411850 to Phyllis Ann Green, A.K.A. Phyllis Ann Cameron and Phyllis  
26 Ann Brown (Respondent). The Registered Nurse License was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.  
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3. On or about June 11, 1991, the Board of Registered Nursing issued Public Health Nurse Certificate Number 47594 to Phyllis Ann Green, A.K.A. Phyllis Ann Cameron and Phyllis Ann Brown (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

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7. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

8. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

1       "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
2 and behavior, and through interpretation of information obtained from the client and others,  
3 including the health team.

4       "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
5 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
6 for disease prevention and restorative measures.

7       "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
8 treatment to the client and family and teaches the client and family how to care for the client's  
9 health needs.

10       "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
11 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
12 effectively supervises nursing care being given by subordinates.

13       "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
14 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
15 communication with the client and health team members, and modifies the plan as needed.

16       "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
17 health care or to change decisions or activities which are against the interests or wishes of the  
18 client, and by giving the client the opportunity to make informed decisions about health care  
19 before it is provided."

20       9.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
22 licensee or to render a decision imposing discipline on the license.

23       10.    Section 118, subdivision (b), of the Code provides that the expiration of a license  
24 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
25 within which the license may be renewed, restored, reissued or reinstated.

26       11.    Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

#### 4 DRUGS

5 12. Trazadone is a dangerous drug as designated by Business and Professions Code  
6 section 4022. It is an antidepressant.

#### 7 FACTUAL BACKGROUND

8 13. Respondent was employed as a Home Health Nurse for Kaiser Permanente and was  
9 assigned to care for patient D.S.<sup>1</sup>, who was on service as a home health patient from July 17, 2008  
10 to October 22, 2008. On October 31, 2008 Respondent filed a request with Kaiser for D.S. to be  
11 added to her health insurance as a domestic partner. While assigned as his Home Health Nurse,  
12 Respondent picked up narcotic medications for D.S. from the pharmacy and brought them to him.  
13 In addition, while assigned as his Home Health Nurse, Respondent gave D.S. her trazadone so  
14 D.S. could sleep, even though it was not prescribed for him. Respondent lived with the patient  
15 for a time.

#### 16 FIRST CAUSE FOR DISCIPLINE

##### 17 (INCOMPETENCE)

18 14. Respondent is subject to disciplinary action under section 2761(a)(1) in that she was  
19 incompetent when she dispensed prescription medication (trazadone) to D.S. as alleged above  
20 when it was not prescribed for him.

#### 21 SECOND CAUSE FOR DISCIPLINE

##### 22 (UNPROFESSIONAL CONDUCT)

23 15. Respondent is subject to disciplinary action under section 2761(a) in that she was  
24 incompetent when, as alleged above, she did the following:

- 25 a. Developed a personal relationship with her patient;
- 26 b. Obtained and transported narcotic medications from the pharmacy to D.S.;

27 <sup>1</sup> Patient initials are used herein to protect patient privacy. Identifying information will be  
28 released pursuant to a request for discovery.

- 1 c. Requested that D.S. be added to her health insurance as her domestic partner; and  
2 d. Dispensed a prescription drug (trazadone) to the patient when it was not prescribed for  
3 him.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 411850, issued to Phyllis  
8 Ann Green, A.K.A. Phyllis Ann Cameron and Phyllis Ann Brown;  
9 2. Revoking or suspending Public Health Nurse Certificate Number 47594, issued to  
10 Phyllis Ann Green, A.K.A. Phyllis Ann Cameron and Phyllis Ann Brown;  
11 3. Ordering Phyllis Ann Green, A.K.A. Phyllis Ann Cameron and Phyllis Ann Brown to  
12 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of  
13 this case, pursuant to Business and Professions Code section 125.3;  
14 4. Taking such other and further action as deemed necessary and proper.

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16  
17 DATED: December 19, 2012

*Stacie Benn*  
18 *For* LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
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